

## INSTITUTION FOR THE DEAF AND DUMB.

AUSTIN, March 10, 1874.

*Hon. R. B. Hubbard, President of the Senate:*

You are respectfully invited with the Senate, to attend the examination of the pupils of this institution, in the hall of the House of Representatives to night at 8 p. m.

Very truly yours, etc.,

J. VAN NOSTRAND.

On motion of Senator Swift, the Senate adjourned.

## FORTY-SEVENTH DAY.

## SENATE CHAMBER.

AUSTIN, March 11, 1874.

Senate met pursuant to adjournment.

Senator Parker stated that the President of the Senate was ill, and moved that Senator Dillard take the chair. Carried.

Roll called; no quorum present.

The sergeant-at-arms was dispatched for absent Senators.

Quorum announced.

Prayer by the chaplain.

Journal of yesterday read and adapted.

Senator Westfall presented a memorial from S. B. Buckley. Read and referred to Committee on Claims and Accounts.

Senator Wood, for Judiciary Committee, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred House bill No. 113, "An act to repeal an act, entitled 'An act to provide for the employment of private clerks for the Judges of the Supreme Court,'" instruct me to report the same back, with the recommendation that it do pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee to whom was referred House bill No. 78, "An act to amend 'An act to organize courts of justices of the peace and county courts, and define their jurisdiction and duties,'" instruct me to report the same back with the recommendation that it do pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee to whom was referred House bill No. 165, "An act to provide for the registration of deeds, mortgages and other written instruments in unorganized counties in this State," instruct me to report the same back, with the recommendation that it do pass.

W. D. Wood, Chairman pro tem.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred House bill No. 72, "An act to amend sections two and six of an act entitled 'An act to incorporate the city of New Braunfels,'" instruct me to report the same

back with the recommendation that it do not pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred House bill No. 132, "An act to change the name of Ernest Louis Heinrich Seyberlich to Ernest Louis Henry Kellner; also, the name of Emelie Fredericke Helene Seyberlich to Emilie Fredericke Helene Kellner," instruct me to report the same back with the recommendation that it do not pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred Senate bill No. 233, "An act to provide for opening, repairing and maintaining public roads and highways," beg leave to report the same back with the following amendment: Amend by adding after the word "permit," in section eleven, the words "and shall put up guide boards at every prominent fork in any of the public roads," and recommend that it do pass as amended.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred Senate bill No. 254, "An act to amend the statute of limitation," having considered and examined the same, instruct me to report it back with the recommendation that it do not pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred House bill No. 118, "An act to authorize the selection of special judges in the criminal courts of this State, in certain cases," instruct me to report the same back with the recommendation that it do not pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred House bill No. 81, "An act to amend the Penal Code," instruct me to report the same back with the recommendation that it do pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred House bill No. 26, "An act regulating the emancipation of minors," instruct me to report the same back with the recommendation that it do not pass.

W. D. Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee to whom was referred House bill No. 105, "An act to authorize the use of photographic copies of written instruments in taking depositions of witnesses in certain cases," instruct me to report the same back with the recommendation that it do pass.

W. D. Wood, for Committee.

Senator Stirman, chairman Committee on

State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your committee on State Affairs to whom was referred the petition of the citizens of Springtown, Parker county, "asking for a special enactment prohibiting the sale of intoxicating drinks within two miles of said town," have had the same under careful consideration, and instruct me to report it back and ask for it the favorable consideration of the Senate and recommend the passage of the accompanying bill.

W. B. STIRMAN, Chairman.

The title of the bill referred to is, "An act to prohibit the sale of spirituous liquors within two miles of the town of Springtown, Parker county, Texas."

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred the petition of citizens of various parts of the State, asking the enactment of some law providing for the recovery of damages by the injured party, as against the vendors of intoxicating liquors, or some law similar to that recently enacted by the Legislature of the State of Ohio on this subject, and commonly known as the "Ohio Liquor Law," have carefully examined and considered the same, and your committee instruct me to report it back and ask for it the favorable consideration of the Senate.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred the petition of Jesse L. Bullock, have had the same under careful consideration, and your committee being of the opinion that it is in conflict with the Constitution, as amended, instruct me to report it back with the recommendation that the petition be not granted.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate bill No. 223, "An act to incorporate the Texas Medical Manufacturing Company," have carefully examined and considered the same, and instruct me to report it back with the recommendation that section six be stricken out, and that the bill, as amended, do pass.

W. B. STIRMAN, Chairman.

Senator Camp for Judiciary Committee submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee to whom was referred House bill No. 178, "An act to define the meaning and give effect to the twenty-first section of the act entitled 'An act of limitation,' passed February 3, 1841, have had the same under consideration and instruct me to report the following amendments, to-wit: Strike out all of the caption of said bill, and insert in lieu

thereof, "An act to validate the registry of certain instruments;" Amend further, by adding to section two: "Provided, That this act shall be construed to give validity to instruments of writing, heretofore recorded, from and after the passage of this act only." Your committee recommend that the bill so amended do pass.

CAMP, for Committee.

Senator Bradley offered the following resolution:

*Resolved*, That the Committee on Printing be instructed to make inquiry as to the reason for the discontinuance, by the State Printer, of the publication of the official proceedings of the Senate; and to report thereon as soon as practicable.

On motion of Senator Bradley, the rules were suspended to consider the resolution just offered.

Senator Wood offered the following amendment: Add to the end of said resolution the following: "and shall at once proceed to contract with some other paper to publish the journal of the Senate."

Senator Bradshaw offered the following resolution as a substitute to the pending resolution:

*Resolved*, That the publishers of the DEMOCRATIC STATESMAN be excused from further furnishing this Senate with our official proceedings.

Lost.

Senator Bradshaw moved to lay the resolution offered by Senator Bradley, and the amendment thereto, offered by Senator Wood, on the table. Motion not seconded.

Senator Hobby offered the following resolution as a substitute for the whole matter under consideration:

*Resolved*, That the committee on Public Printing be instructed to employ some paper other than the STATESMAN to publish the journals of the Senate.

Senator Parker offered the following as a substitute to the substitute offered by Senator Hobby:

*Resolved*, That the Committee on Printing be instructed to contract with some paper in the city of Austin, to publish the proceedings of the Senate, as soon as practicable.

Senator Davenport moved the previous question. The motion sustained and previous question ordered.

The question being, "Shall the main question be now put?" it was ordered by the following vote:

Yeas—Senators Allison, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Lodbetter, Moore, Parker, Russell, Stirman, Swift, Trolinger, Westfall and Wood—20.

Nays—Senators Ball, Baker, and Bradshaw—3.

The question then recurring on the substitute offered by Senator Parker, it being a substitute to the substitute offered by Senator Hobby, it was lost by the following vote:

Yeas—Senators Burton, Dillard, Dwyer, Erath, Flanagan, Friend, Ledbetter, Parker, Swift and Trolinger—10.

Nays—Senators Allison, Ball, Baker, Bradshaw, Bradley, Camp, Davenport, Hobby, Moore, Russell, Stirman, Westfall and Wood—13.

The question then recurring on the adoption of the resolution offered by Senator Hobby, it was lost by the following vote:

Yeas—Senators Baker, Bradley, Burton, Camp, Davenport, Dillard, Hobby, Moore and Wood—9.

Nays—Senators Allison, Ball, Bradshaw, Dwyer, Erath, Flanagan, Friend, Ledbetter, Parker, Russell, Stirman, Swift, Trolinger and Westfall—14.

Senator Trolinger introduced a bill entitled "An act to amend 'An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate the city of Sherman.'" Read first time and referred to Committee on State Affairs.

Senator Trolinger introduced a bill entitled "An act to amend section ninety of 'An act to regulate proceedings in the district court,' approved May 13, 1846. Read first time and referred to Committee on Judiciary.

A message was received from the House, announcing the passage of Senate joint resolution No. 76, "Asking our Senators and Representatives in Congress to procure an appropriation by Congress to improve the navigation of Soda Lake and Cypress Bayous." Also, the passage of Senate bill No. 57, "An act to provide for the registration of voters in all the incorporated towns and cities within the State, not otherwise provided for by law," with amendments by the House.

The special order, being the consideration of the substitute for Senate bill No. 136, the title of the substitute being "An act to extend the time for the construction of works of internal improvement," it was taken up.

On motion of Senator Wood, the bill was postponed until Monday next, at 11 A. M., made special order for that day and hour, and to continue as said special order from day to day until disposed of.

Senator Friend introduced a bill entitled "An act to establish a ferry across the San Antonio river at Stribbling crossing, in Goliad county. Read and referred to Judiciary Committee.

The unfinished business, being the consideration of the resolutions offered by the Committee on Retrenchment and Reform in regard to the number of clerks, employees, etc., of the Senate, it was taken up.

Report of committee and resolutions offered by same, were both read.

On motion of Senator Erath, the resolutions were taken up.

Senator Swift offered the following amendment: "That the committee clerks be discharged, and that two clerks be elected by the Senate to act as committee clerks and assistants in engrossing and enrolling departments;" also, further amend by inserting "three pages, and that the chair appoint them *instantly*." Adopted.

The resolutions, as amended, were then adopted.

On motion of Senator Westfall, the Senate went into the election of the two clerks, provided for in the resolutions.

The President appointed Senators Bradley and Westfall as tellers.

Senator Bradley nominated Alex. Sampson, of Travis county.

Senator Wood nominated Paul Schon McCoombs, of .....

Senator Ball nominated Wm. Neal Ramey, of Shelby county.

Senator Stirman nominated R. W. Thomas, of Travis county.

The vote was taken, with the following result:

Alexander Sampson received twelve votes.  
Paul Schon McCoombs received eight votes.

Wm. Neal Ramey received seventeen votes.

R. W. Thomas received six votes.

Alexander Sampson and Wm. Neal Ramey having received the highest number of votes, being a majority of all the votes cast, the President declared them to have been duly elected.

Senate bill No. 20, "An act for the relief of John M. Swisher," was taken up, read second time and, on motion of Senator Swift, was laid on the table.

(Senator Westfall in the chair.)

The substitute for House bill No. 13, said House bill being entitled "An act to amend sections nineteen and twenty of 'An act regulating elections,'" approved March 31, 1873; also, being a substitute for Senate bill No. 22, "An act to amend 'An act regulating elections,'" approved March 31, 1873; also, for Senate bill No. 21, "An act to amend 'An act regulating elections,'" said substitute being entitled "An act to amend an act entitled 'An act regulating elections,'" approved March 31, 1873, and an act entitled "An act to amend 'An act regulating elections,'" approved April 1, 1873, was taken up, read second time and one hundred copies ordered printed.

On motion of Senator Bradshaw, the rules were suspended to take up Senate bill No. 57, "An act to provide for the registration of voters in all the incorporated

towns and cities within the State not otherwise provided for by law," together with House amendments.

Bill taken up and House amendment concurred in.

On motion of Senator Baker, the rules were suspended, House bill No. 213, "An act relating to the headright claim of Louis Rousseau, to three hundred and twenty acres of land."

It was, on motion of Senator Baker, referred to the Committee on Private Land Claims.

By leave, Senator Flanagan, chairman of Committee on Counties and County Boundaries, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Counties and County Boundaries, to whom was referred Senate bill, No. 253, "An act to repeal 'An act to change the line between Burnet and Lampasas counties,'" approved June 2, 1873, have examined the same and instruct me to recommend its passage.

FLANAGAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 177, "An act to repeal an act to aid in the financial condition of Cameron county," have examined the same and recommend its passage.

FLANAGAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 193, "An act to provide for the removal of county sites," have maturely examined the same, and recommend its passage.

FLANAGAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Counties and County Boundaries, to whom was referred a petition of citizens of Limestone, McLennan, Hill and Navarro counties, asking the passage of a bill creating the county of Coke out of the territory belonging to these counties, have had the same under consideration, and find that the creation of said county would reduce each of the old counties to a less area than a constitutional county. I am, therefore, instructed to report the same back, and recommend its indefinite postponement.

FLANAGAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 130, "An act to create and organize the county of Tom Greer," have had the same under consideration, and instruct me to report it back to the Senate, and recommend that it do pass, with the following amendment: In section three strike out the words "until otherwise provided by

law," and insert the words "said county site shall be named Val Verde."

FLANAGAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 141, "An act to organize unorganized or disorganized counties in the State," have duly examined the same, and instruct me to report it back and recommend that it do pass.

FLANAGAN, Chairman.

On motion of Senator Ball, the rules were suspended to take up Senate bill No. 165, "An act to provide for a special registration of voters in any unorganized or disorganized counties, in the State of Texas," was taken up, read second time and ordered engrossed.

On motion of Senator Ball, the rules were further suspended, bill read third time and passed.

A message was received from the House announcing the passage of House bill No. 315, "An act to regulate proceedings in the Supreme Court;" also, that the House had passed Senate resolution in regard to the joint committee being raised to visit and report on the condition of the Land Office.

On motion of Senator Hobby, the rules were suspended to take up House bill No. 92, "An act creating the office of public weigher and regulating the appointment and defining the duties and liabilities thereof." Bill taken up, read first time and referred to committee on Agriculture.

Senator Friend moved that the rules be suspended to take up House bill No. 133, "An act to enlarge and define the boundaries of Wilson county." Rules suspended and bill taken up.

Senator Dwyer called for the reading of the protest against the passage of said bill. Protest read.

The bill was then read third time and passed by the following vote.

Yeas—Senators Allison, Ball, Baker, Bradley, Camp, Davenport, Dillard, Erath, Flanagan, Friend, Hobby, Ledbetter, Moore, Parker, Russell, Stirman, Swift, Trolinger and Westfall—10.

Nays—Senators Bradshaw and Dwyer—2.

On motion of Senator Erath, the rules were suspended to take up Senate bill No. 141, "An act to organize unorganized or disorganized counties in the State." The bill was taken up, read second time and ordered engrossed.

On motion of Senator Flanagan, the rules were suspended, the bill read third time and passed.

The President appointed under the resolution adopted this morning, the following pages: Jesse Ellis, John Porter and L. H. Fitzhugh.

Senator Camp moved a suspension of rules, to take up Senate bill No. 120, "An act to create and provide for the organization of the county of Stonewall." Rules suspended bill and report of committee on said bill taken up, wherein the committee recommend the striking out of the word "Stonewall," and inserting "Camp." The amendments of the committee were adopted.

Senator Camp offered the following amendments: Amend by striking out all of the metes and bounds set forth in the original bill, and insert the following: "Beginning at a point twelve miles due north from the town of Gilmer; thence west to the Wood county line, and from said point twelve miles north of the town of Gilmer; thence due east to Big Cypress, the east boundary line of said county of Upshur; thence north with the meandering of said stream, the same being the county line of said Upshur county, to the northeast corner of said county of Upshur; thence northwest with the meanderings of said stream to the northwest corner of said county; thence south with the west boundary line of said Upshur county to the point where the due west line from the point twelve miles north of the town of Gilmer intersects the Wood county line." Adopted.

Amend by striking out the name of I. G. McGhee and J. W. Wright, and insert the names of J. G. Credell, J. R. Strickland and W. J. Singleterry in lieu thereof.

On motion of Senator Dwyer, the amendments offered by Senator Camp were adopted.

On motion of Senator Flanagan, the bill was ordered engrossed.

On motion of Senator Swift, the rules were further suspended, the bill was read third time and passed by the following vote:

Yeas—Senators Ball, Baker, Bradshaw, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Parker, Russell, Stirman, Swift, Trolinger and Westfall—18.

Nays—Senators Allison and Wood—2.

On motion of Senator Dwyer, the rules were suspended to take up House bill No. 136, "An act to create and organize the county of Tom Green." Bill taken up, read second time, amendments proposed by the committee adopted and passed to third reading.

On motion of Senator Russell, the rules were further suspended, bill read third time and passed by the following vote:

Yeas—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ledbetter, Moore, Parker, Russell, Swift, Trolinger, Westfall and Wood—22.

Nays—None.

On motion of Senator Westfall, the rules were suspended to take up Senate bill No. 81, "An act for the relief of justices of the peace, assessing the taxes for the year 1873." Bill taken up, read second time and ordered engrossed.

On motion of Senator Parker, the rules were suspended to take up Senate bill No. 33, "An act to provide a jury fund and regulate disbursement of same." Bill taken up and read second time.

On motion of Senator Flanagan, the bill was recommitted to the Judiciary Committee.

On motion of Senator Trolinger, the rules were suspended to take up Senate bill No. 109, "An act to provide for and regulate the registration of deaths." Rules suspended, bill taken up and recommitted to the Judiciary Committee.

On motion of Senator Flanagan, the Senate stood adjourned.

#### FORTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, March 12, 1874. }

Senate met pursuant to adjournment.

Senator Dillard stated that the President of the Senate was still ill, and that the first business in order would be the election of a presiding officer for the day.

Senator Westfall moved that Senator Dillard be elected to preside over the Senate to-day. Carried.

Roll called; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Bradshaw presented petitions of citizens of five different counties, to-wit: Ellis, Gonzales, Fannin, Navarro and Hill counties, praying the Legislature to pass a temperance law, similar to the one known as the "Ohio liquor law." Read and referred to Judiciary Committee.

Senator Flanagan presented the petition of citizens of Belleville and vicinity, Rusk county, asking the Legislature to change the act prohibiting the sale of spirituous liquors in said town, so as it should read that no liquors shall be sold within two miles of said town, whereas the original bill only extended the prohibition to one mile. Read and referred to Committee on Education.

Senator Camp presented the petition of citizens of Smith county, "protesting against the establishment of the office of public weigher." Read and referred to Committee on State Affairs.

Report from Committee on Indian Affairs and Frontier Protection:

Hon. R. B. Hubbard, *President of the Senate*:  
Your Committee on Indian Affairs and